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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,950	07/21/2003	Jason Brown	C02-0109-000	4621
33190 7590 05/31/2007 CINGULAR WIRELESS LLC 5565 GLENRIDGE CONN., #1725A C/O LINDA GILES, PATENT MANAGER ATLANTA, GA 30342			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,950	<b>Applicant(s)</b> BROWN, JASON	
	<b>Examiner</b> Samir Termanini	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/07</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### BACKGROUND

1. This FINAL Office Action is responsive to the following communications: Amendment filed on 3/12/2007.

2. Claims 21–38 are pending in this case. Applicant has canceled claims 1–20. Claims 21, 27, and 33 are in independent form.

3. Applicant canceled claims 1–20 and have thereby rendered moot the anticipation rejections cited by the Examiner in the previous Office Action (dated 12/12/2006) under 35 USC §102(b). Accordingly, the Rejection is withdrawn in view thereof.

4. Applicant canceled claims 11–18 and have thereby rendered moot the rejections cited by the Examiner in the previous Office Action (dated 12/12/2006) under 35 USC §101. Accordingly, the Rejection is withdrawn in view of thereof.

5. Applicant canceled claims 19 and have thereby rendered moot the rejections cited by the Examiner in the previous Office Action (dated 12/12/2006) under 35 USC §112. Accordingly, the Rejection is withdrawn in view thereof.

CLAIM REJECTIONS - 35 U.S.C. §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 21-38** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Digital cellular telecommunications system (Phase 2+) (GSM); Universal Mobile Telecommunications System (UMTS); USIM Application Toolkit (USAT); (3GPP TS 31.111 version 4.4.0 Release 4)*, European Telecommunications Standards Institute 2001 (hereinafter "*ETSUSIM*").

As to independent **claim 21**, *ETSUSIM* teaches a timed text display method, comprising the steps ("DISPLAY TEXT: which displays text or an icon on screen." pp. 21, §6.1) of: controlling a display of a communications device ("DISPLAY TEXT: which displays text or an icon on screen." pp. 21, §6.1) using a Subscriber Identity Module application ("specifically for "USIM Application Toolkit" pp. 10, section 1; Also, USIM means "Universal Subscriber Identity Module" pp. 13, 2<sup>nd</sup> to last definition); and specifying a duration ("duration of the display" pp. 24, §6.4.1) in the SIM application for which text is displayed prior to permitting a user to clear said text ("variable display timeout...informs the ME about the required duration of the

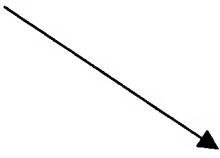
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display" pp. 24, bottom of page; see also "indicates that the ME shall wait for the user to clear message" pp. 24, bottom of page) (emphasis added).

As to dependent **claims 22**, *ETSUSIM* further teaches the step of specifying the duration data object value ("A duration object that represents the variable display timeout" pp. 24, §6.4.1; also note, e.g. "interface data object" pp. 63, before §6.7) for which the DISPLAY TEXT command in the SIM application, the attribute specifying the duration for which the text is displayed ("duration for execution of the command" pp. 52, §6.6.1; see also figure 6.6.1, an annotated version is reproduced immediately below; Note: "the SIM/ME interface is the bearer level." pp. 63, before §6.7).

6.6.1 DISPLAY TEXT

Attribute specifying duration



Description	Clause	M/O/C	Mln	Length
Proactive UICC command Tag	9.2	M	Y	1
Length (A+B+C+D+E+F)	-	M	Y	1 or 2
Command details	8.6	M	Y	A
Device identities	8.7	M	Y	B
Text string	8.15	M	Y	C
Icon identifier	8.31	O	N	D
Immediate response	8.43	O	N	E
Duration	8.8	O	N	F

As to dependent **claim 23**, *ETSUSIM* further teaches the method of claim 21, further comprising: displaying text on said communications device ("DISPLAY TEXT: which displays text or an icon on screen." pp. 21, §6.1); receiving a command to clear said text ("duration for execution of the command" pp. 52, §6.6.1, where it "indicates that the ME shall wait for the user to clear message" pp. 24, bottom of

page).; if said specified duration has elapsed ("display timeout" pp. 24, §6.4.1), then executing said command (e.g. "the expiration of the variable display timeout, if so indicated by the duration object" pp. 25, §6.4.1)

As to dependent **claim 24**, *ETSUSIM* further teaches that the "duration" data object is a parameter in the DISPLAY TEXT command ("A duration object that represents the variable display timeout" pp. 24, §6.4.1).

As to dependent **claim 25**, *ETSUSIM* further teaches the step of specifying the duration comprises specifying a time for which the text is displayed before clearing the text ("variable display timeout...informs the ME about the required duration of the display" pp. 24, bottom of page)(emphasis added).

As to dependent **claim 26**, *ETSUSIM* further teaches the method of claim 23, wherein the step of displaying text comprises displaying letters ("DISPLAY TEXT: which displays text or an icon on screen." pp. 21, §6.1).

As to **claims 27–32**, these claims differ from claims 21–26, respectively, only in that they are directed to products defined by the processes of claims 21-26, respectively. Accordingly, claims 27-32 are rejected for the same reasons set forth in the treatment of claims 21-26, respectively.

As to **claims 33–38**, these claims differ from claims 21–26, respectively, only in that they are directed an apparatus to carry out the processes of claims 21-26, respectively. *ETSUSIM* further teaches use in an apparatus for displaying timed

text ("Mobile Equipment" pp. 139, Annex A) including a Subscriber Identity Module ("card defined in GSM 02.17" pp. 146, Annex G: Multiple Card Operation) having a display device for presenting text to a user of the apparatus ("screen", pp. 21, §6.1) and a microprocessor for controlling the circuitry and the display device ("execute" and "processing", pp. 12, §3.1). Accordingly, claims 33-38 are rejected for the same reasons set forth in the treatment of claims 21-26, respectively.

### RESPONSE TO ARGUMENTS

8. Arguments concerning the Examiner's rejections of claims 1-20, made under 35 U.S.C. §102 in the previous Office Action (dated 12/12/2006) have been rendered moot by Applicant's Amendment filed on 3/12/2007. Accordingly, the Rejection is withdrawn in view thereof.

9. Arguments concerning the Examiner's rejections of claim 19, made under 35 U.S.C. §11 in the previous Office Action (dated 12/12/2006) has been rendered moot by Applicant's Amendment filed on 3/12/2007. Accordingly, the Rejection is withdrawn in view thereof.

10. Applicant arguments, see p. 6, filed 3/12/2007, with respect to the matter alleged to be not disclosed or taught by *ETSUSIM* have been fully considered but are not persuasive.

Applicant's argue that *ETSUSIM* fails to teach or suggest at least the limitation of specifying a duration in a SIM application for which *text is to be*

*displayed prior to permitting a user to clear said text* and that it instead discloses displaying a message for a specified duration.

The examiner disagrees and submits that *ETSUSIM*, inter alia, shows the limitation as follows: *text is to be displayed* via a "DISPLAY TEXT: which displays text or an icon on screen." (pp. 21, §6.1) for at least the "duration for execution of the command" (pp. 52, §6.6.1) *prior to permitting a user to clear said text* via a "required duration of the display" (pp. 24, bottom of page) before "...wait[ing] for the user to clear message..." (pp. 24, bottom of page).

### CONCLUSION

11. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory



action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

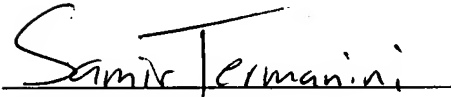
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

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assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER

  
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Patent Examiner  
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